THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27690 of 2007

DATED:27-12-2007

BETWEEN:

M/s Paras Goel & Sons (HUF)
Rep., by its Kartha Paras Goel.,
Banjara Hills,
Hyderabad.

..... PETITIONER

AND

The District Collector,
Rangareddy District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in threatening to demolish the structures erected by the petitioner in Plot Nos.1048, 1088, 1089 and 1049 in Sy.No.163, Dhoolapally village & Gram Panchayat, Quthbullapura mandal, Rangareddy District, as illegal, and arbitrary.

3. It is the case of the petitioner that he purchased an extent of 1400 sq.yards bearing Plot Nos1048, 1088, 1089 and 1049 vide registered sale deeds, dated
06-05-2006, and the said lands are situated in Sy.No.163 of Dhoolapally village & Gram Panchayat, Quthbullapura mandal, Rangareddy District. After purchase of the said land petitioner established a Stitching Unit after obtaining permission on 04-12-2006 for construction of structures (sheds). While so, the 2nd respondent-Tahsildar, Quthbullapur mandal tried to remove the stitching unit on the ground that the plot purchased by the petitioner falls within the Full Tank Level of Fox Sagar. It is stated that the petitioner made a representation before the 1st respondent-District Collector, Rangareddy District on 13-12-2007 stating that the lands purchased by the petitioner vide plot

Nos.1048, 1088, 1089 and 1049 in Sy.No.163 of Dhoolapally Gram Panchayat, Quthbullapura mandal are patta lands and they do not fall under Full Tank Level of Fox Sagar and accordingly requested to direct the concerned officials not to demolish the stitching unit run by the petitioner.

4. Learned Government Pleader on instructions submits that the land in Sy.No.163 is a patta land but the land in Sy.No.182 is a Government land and comes within the area of Full Tank Level of Fox Sagar. He further submits that when the petitioner made an attempt to encroach upon the Government land in Sy.No.182 they have prevented the petitioner.

5. It is always open for the respondents to prevent the petitioner from encroaching the Government land but if the petitioner is in possession of the property purchased vide registered sale deed, dated 06-05-2006, respondents cannot interfere with the peaceful possession and enjoyment of the same. If there is any dispute regarding the location or identity I am of the opinion that it is just and proper for the respondents to conduct an enquiry by giving reasonable opportunity to the petitioner and then take action in accordance with law.

6. Having regard to the facts and circumstances, respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the land purchased by him in Sy.Nos.1048, 1088, 1089 and 1049 in Sy.No.163 situated at Dhollapally village, Quthbullapura mandal until the representation of the petitioner, dated 13-12-2007, filed before the District Collector is considered and disposed of.

7. Accordingly, Writ Petition is disposed of. No order as to

costs.

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V.ESWARAIAH,J

27th December, 2007.
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